

## **Statement of Environmental Effects**

PROJECT

**Proposed Secondary Dwelling**  
and ancillary works  
Lot 5 DP900984  
34 Third Street,  
Ashbury

APPLICANT

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## ABBREVIATIONS

AHD	Australian Height Datum
BYDA	Before You Dig Australia
CBLEP	Canterbury-Bankstown Local Environmental Plan 2023
CBDCP	Canterbury-Bankstown Development Control Plan 2023
SSR	Stormwater System Report

## 1.0 Introduction

This statement accompanies a development application at 34 Third Street, Ashbury, for the demolition of existing outbuildings and the construction of a new secondary dwelling facing the drainage easement to the rear of the site. This application would usually be the subject of a complying development certificate, however the site is located within the Ashbury Heritage Conservation Area (AHCA) and as such this development application is mandatory. The major controls impacting are those relating to heritage and flooding.

## 2.0 The Existing

### 2.1 Generally

The site has a 12.19m frontage to Third Street and falls approx 3m from the Third Street boundary to the rear boundary as shown in the survey by A. B. Stephens & Associates (REF 15086) which accompanies this application.

The existing development comprises a brick dwelling, with a terra cotta tiled roof, to which lightweight timber framed additions have been added at the rear. Currently a timber framed garage and an open shed occupy the rear of the property adjoining the drainage easement..

Real title	Lot 5 DP900984
Area	483m <sup>2</sup>
Dimensions	12.19m x 39.625m
Zoning	R2 (withing Ashbury Heritage Conservation Area)



1. The dwelling at 34 Third St. is one of several similar dwellings forming the main built element to the southern side of Third Street. Several secondary dwellings can be seen to the rear of Third St dwellings, none of which can be viewed in conjunction with the primary dwellings.



2. The dwellings to the southern side of Third Street have generally survived in reasonable states of repair albeit some with rather inappropriate alterations. The proposed secondary dwelling will not be capable of being viewed in conjunction with the primary dwellings.



3. The drainage reserve to the rear of the site. A 'recent' secondary dwelling at the rear of 36 Third St adjoins the western boundary of the site at the rear, whilst a substantial garage at 32 adjoins the site to the east.

### 3.0 The Proposed

#### 3.1 Generally

The proposed development consists of the demolition of an existing garage and shed and the construction of a new secondary dwelling and ancillary works, including driveway, fencing, landscaping etc. The new structure will be full brick with terracotta roof tiles as described in the accompanying drawings.

#### 3.2 Site Data

This is a summary of data which occurs elsewhere through this statement.

	Existing	Proposed	Control	Complies
Site Area	483m <sup>2</sup>	483m <sup>2</sup>	450m <sup>2</sup>	Y
Width at building line	12.19m	12.19m	12.00m	Y
Site coverage	41.36%	42.96%	50%	Y
Floor area - Principal	123.68m <sup>2</sup>	123.68m <sup>2</sup>	270m <sup>2</sup>	Y
Floor area - Secondary		60m <sup>2</sup>	60m <sup>2</sup>	Y
Floor area - ancillary	22.75m <sup>2</sup>	22.04m <sup>2</sup>		
Total floor area	123.68m <sup>2</sup>	205.7m <sup>2</sup>	330m <sup>2</sup>	Y
Height – Secondary		5.97m	8.5m	Y
Side setback Secondary		1.26m	1.425m	N
FSR (Gross floor area/site area)	0.23:1	0.34:1	0.55:1	Y
Deep soil landscaping	39.5% (191.12m <sup>2</sup> )	26.3% (127.35m <sup>2</sup> )	20% (96.6m <sup>2</sup> )	Y
Front landscaping	83.1% (39.02m <sup>2</sup> )	83.1% (39.02m <sup>2</sup> )	46.93m <sup>2</sup>	Y

## 4.0 Canterbury-Bankstown LEP 2023

### 4.1 Generally

The relevant matters to be considered under the Canterbury-Bankstown LEP 2023 are:

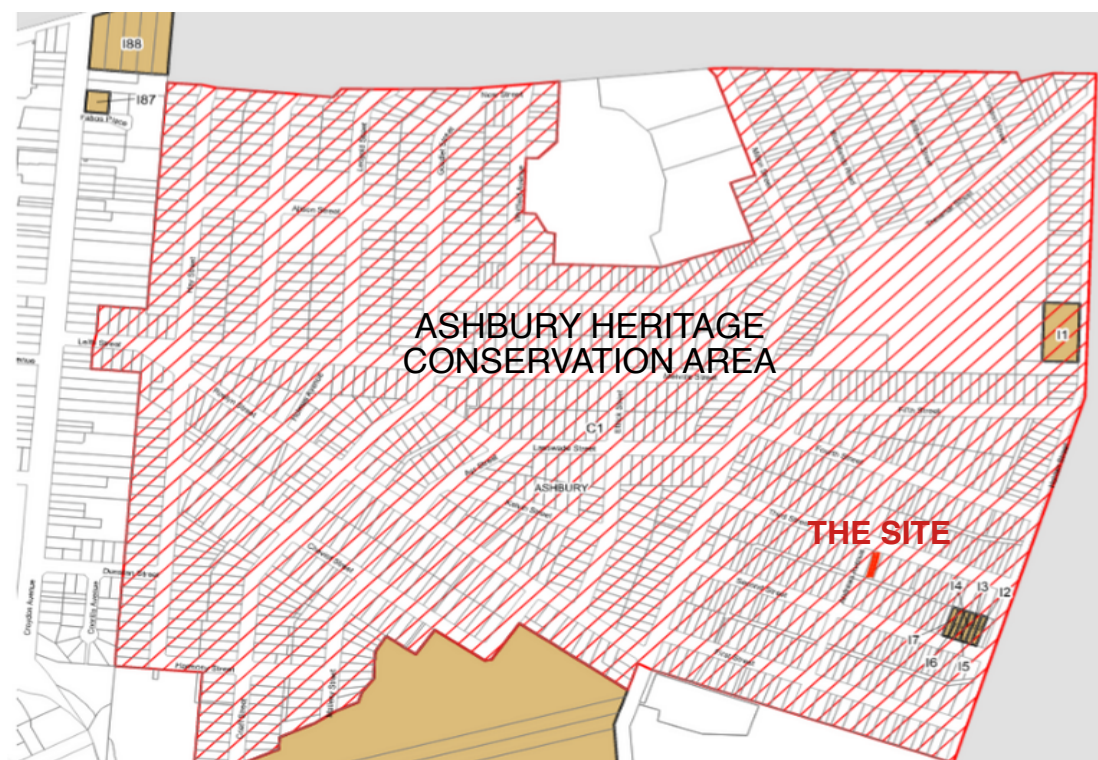
LEP Provision	Proposed
<b>Principal development standards</b>	
<b>pt 2.1 – Land use zones</b> <b>Land use table</b>	R2 Low density residential permits a secondary dwelling with consent.
<b>pt 4.3 – Height of buildings</b> The Height of Buildings map shows a permitted height of 8.5m.	Proposed secondary dwelling: Ridge – 26.08AHD    Natural Ground – 20.11AHD Height – 5.97m
<b>pt 4.4 – Floor space ratio</b> 4.4 (2B)(b)(ii) – 0.55:1	Proposed FSR 0.34:1
<b>Miscellaneous provisions</b>	
<b>pt 5.10 – Heritage conservation</b>	The site forms part of the Ashbury conservation zone This is addressed at 4.2 .
<b>pt 5.21 – Flood planning</b>	The site is subject council's flood policy and this application has been designed in accordance with the SSR and the DCP. Refer 5.3
<b>Additional local provisions</b>	
<b>pt 6.1 – Acid sulfate soils</b> The site is not shown within an acid sulfate soil classification on the Acid Sulfate soils map	Refer 5.4
<b>pt 6.3 – Stormwater management</b>	The stormwater system has been design to comply with council's stormwater policy and Basix. These drawings are attached.
<b>pt 6.9 – Essential services</b>	The site is fully serviced. Refer BYDA response at 5.6

### 4.2 Heritage conservation

This proposal has been developed within the provisions of the CB DCP Chapter 4 Heritage and 4.3 Heritage Conservation Areas June 2023 (Amended August 2024).

The nearest listed heritage items comprise a row of federation houses at 5-15 Second Street Ashbury, ~150m away, and the Ashfield reservoir in Holden Street (I1), ~400m away. The proposed secondary dwelling, will not impact the heritage values of the listed items as it cannot be viewed from, or in conjunction with, any of the listed heritage items.





5. Listed heritage items in the general vicinity of the site

No	Name	Location	Significance
I1	Ashfield Reservoir	165-169 Holden Street, Ashbury	State *
I2-I7	Federation houses	5-15 Second Street, Ashbury	Local *
I103	Canterbury Racecourse	98 King Street, Canterbury	Local
I113	Montrose House	128 Croydon House, Croydon Park	Local
I114	'But-Har-Gra' House	106 Georges River Rd, Croydon Park Local	Local

\* Heritage items within Ashbury heritage conservation zone

### 4.3 Flood planning

The site is subject to inundation as detailed in the attached Stormwater System Report (SSR), prepared by Pushpa Goonetilleke of Canterbury-Bankstown council. In order to comply with this report the habitable floor level has been set at 500mm minimum above the 1%AEP, whilst the non-habitable floor level has been set at a minimum of 150mm above the 1%AEP.

The proposed levels have been determined from the flood contours shown in the SSR and results in a maximum flood level of 20.65AHD at the north-eastern corner of the proposed structure.

From this value the adopted floor levels are:

habitable floors            21.07AHD

non-habitable floors      20.80AHD.

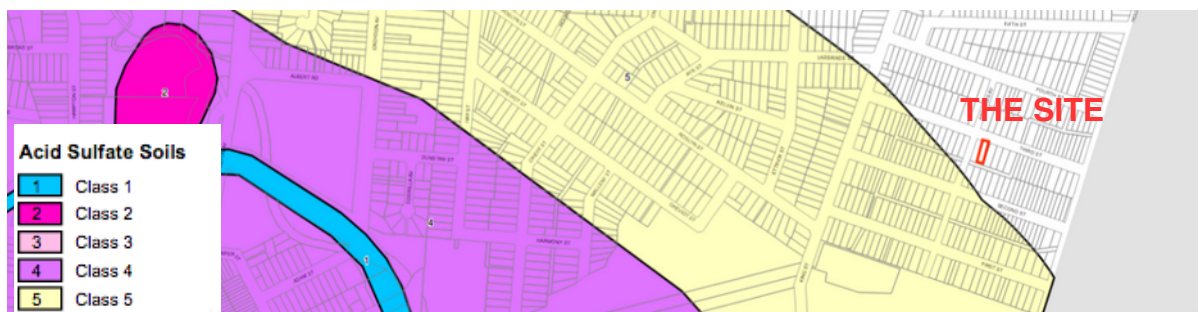
The adoption of the required floor levels for flood events has meant lifting the floor levels ~700mm, above what would normally be adopted, in order to achieve compliance with the council's SSR.



7. Flood contours from the SSR with the proposed dwelling superimposed

#### 4.4 Acid sulfate soils

The subject site is not within an acid sulfate soil classification as depicted on the relevant LEP map. The extent of excavation required for this proposal is such that the work will comply with the acid sulfate guidelines of the CBLEP.



4. The site, shown in red, is not within any acid sulfate soil classification shown on the relevant LEP acid sulfate soil map



## 4.5 Essential services

A BYDA search confirms that the site is fully serviced, with the only item requiring specific attention being the Sydney Water sewer, which crosses the rear portion of the site and as such, will necessitate the piercing of the proposed structure. Asset owners responding to the BYDA query are:

Referral ID (Seq. no)	Authority Name	Phone	Status
244900303	Ausgrid	(02) 4951 0899	NOTIFIED
244900301	FiberSense Pty Limited (NSW)	1300 947 466	NOTIFIED
244900306	Jemena Gas South	1300 880 906	NOTIFIED
244900302	NBN Co NswAct	1800 687 626	NOTIFIED
244900308	Optus and or Uecomm Nsw	1800 505 777	NOTIFIED
244900305	Sydney Water	13 20 92	NOTIFIED
244900307	Telstra NSW Central	1800 653 935	NOTIFIED
244900304	TransGrid	(02) 9620 0422	NOTIFIED

## 5.0 Canterbury-Bankstown DCP 2023

### 5.1 Section 7 – Secondary dwellings

The assessment of secondary dwellings is made under the provisions of:

- (i) Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295) and,
- (ii) Schedule 1 of the State Environmental Planning Policy (Housing) 2021.

Following discussions with council regarding the function of the 2009 Secondary Dwelling Policy, it was decided to concentrate solely on the Schedule 1 of the SEPP(Housing) 2021.

### 5.2 State Environmental Planning Policy (Housing) 2021 Schedule 1

Control		Proposed
<b>Part 2 Site requirements</b>		
<b>2 Lot requirements</b>		
(1)(a)	At completion will have 1 principal dwelling and 1 secondary dwelling	At completion 1 existing principal dwelling and 1 new secondary dwelling
(1)(b)	For a lot area >450m <sup>2</sup> and <900m <sup>2</sup> the minimum boundary length at the building line shall be 12m.	Lot area: 483m <sup>2</sup> Street boundary length: 12.1m
(2)	The lot on which the secondary dwelling is erected must have lawful access to a public road.	The lot has access to Third Street, Ashbury
(3)	Additional parking spaces not required for a secondary dwelling	Existing off street parking provisions retained – no additional spaces provided for secondary dwelling.
<b>3 Maximum site coverage for all development</b>		
(1)(a)	The site coverage of the principal dwelling, secondary dwelling, and ancillary structures must be no more than – If lot area >450m <sup>2</sup> and <900m <sup>2</sup> – 50%	Proposed site coverage of principal dwelling, secondary dwelling, and ancillary structures – 42.96m <sup>2</sup> .
<b>4 Maximum floor areas for principal and secondary dwellings.</b>		
(1)(a)	The floor area of a secondary dwelling,	The proposed floor area of the secondary

	excluding ancillary structure, must not be more than – 60m <sup>2</sup>	dwelling is 60m <sup>2</sup>
(2)(a)	The total floor area of a principal dwelling, secondary dwelling and all attached ancillary structures must not be more than – If the lot area >450m <sup>2</sup> and <900m – 330m <sup>2</sup>	The proposed total floor area – 204.7m <sup>2</sup>
<b>5 Setbacks and maximum floor areas for balconies, decks, etc.</b>		
(1)(a)(b)	The total area of balconies, etc to be no more than 12m <sup>2</sup> if within 6m of side or rear boundary and more than 2m above finished ground level.	Proposed verandah area 6.045m <sup>2</sup> and less than 2m above finished ground level.
<b>Part 3 Building heights and setbacks</b>		
<b>6 Building height.</b>		
(1)	Height of development for a secondary dwelling or ancillary structure must not be more than 8.5m above existing ground level.	Proposed height of proposed secondary dwelling to be 5.97m. This height takes into account the lifting of habitable floors to 0.5m above the 1% AEP flood level.
<b>9 Setbacks from side boundaries.</b>		
(1)	A secondary dwelling shall have a side boundary setback of not less than: If the lot area >450m <sup>2</sup> and <900m – 0.9m	The proposed side boundary setbacks are – 1.26m
(2)	A secondary dwelling shall have a side boundary setback of not less than: 0.9m + (Height-3.8m)/4 = 1.44m	The proposed side boundary setback of 1.26m is 0.18m less than the calculated setback and is based on the building height were it not subject to the flood policy dictating finished floor level. A variation to the DCP is addressed below.
<b>10 Setbacks from rear boundaries</b>		
(2)	A dwelling on a lot with a rear boundary with a laneway may have a building line that abuts the boundary for up to 50% of the length of the boundary.	The proposed secondary dwelling ‘abuts’ the rear boundary for a distance of 6m which is less than 50% of the boundary length.
<b>15 Privacy</b>		
(1)	Provision of privacy screens	Finished floor level is less than 1m above existing ground level, and bedroom windows are <2m <sup>2</sup> , and as such privacy screens are not required.
<b>Part 4 Landscaping</b>		
<b>16 Landscaped area</b>		
(1)(a)	A lot for a secondary dwelling development must have a landscaped area of: If the lot area <450m <sup>2</sup> and >900m <sup>2</sup> – 20%	Lot area 483m <sup>2</sup> Landscaped area 110.6m <sup>2</sup> %age of lot area 22.9%
(2)	At least 50% of the landscaped area to be located behind primary road building line	Landscaped area behind building line 84.04m <sup>2</sup> %age of landscaped area 76%
(3)	Minimum dimension of landscaped area 2.5m	Non compliant landscape area shown on drawings and excluded from landscaped area
<b>17 Private open space</b>		
(1)	A lot for secondary dwelling must have more than 24m <sup>2</sup> of principal private open space	Principal private open space 84.04m <sup>2</sup> Principal dwellings 51.23m <sup>2</sup> Secondary dwelling 32.81m <sup>2</sup>

<b>Part 5 Earthworks and drainage</b>		
<b>18 Earthworks, retaining walls and structural support</b>		
(3)	The height of fill contained within the footprint of a secondary dwelling or ancillary structure is not limited.	All fill contained within footprint. Maximum fill height ~0.4m.
<b>19 Drainage</b>		
(1)	All stormwater resulting from secondary dwelling and ancillary structures must conveyed by gravity to a public drainage system	Stormwater disposal from the proposed secondary dwelling is conveyed by gravity to the council's stormwater system and a rainwater tank.
(2)	All stormwater drainage systems within a lot, and the connection to a public system must comply with the requirements of an applicable development control plan.	The complying stormwater proposal is contained in the stormwater system drawings attached to this application.

### 5.3 The Ashbury Heritage Conservation Area

The essential thrust of Section 21 of the DCP is to reinforce the basic built elements that contribute to the area's streetscape and to reinforce a visual cohesion that has been eroded over time as the result of unsympathetic design. This application has no impact on the streetscape as the proposed single storey development is both limited to the rear of the site and is some 3m lower than the contributory dwelling facing Third Street.

The proposed secondary dwelling faces the drainage easement to the rear, which contains a disparate collections of structures with no consistent design element. The recent increase in secondary dwellings facing the drainage easement shows at best a general adoption of elements consistent with the area and this has been the approach taken here with the adoption of sympathetic roof forms and materials. The major concern has been to retain the character of the lane by retaining fencing to the width of the site rather than forcing the introduction of a pastiche streetscape.

The numeric values contained within Section 21 are:

<b>Ashbury conservation zone numeric controls</b>			
	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Open space</b>	35%	53% (255.9m <sup>2</sup> )	Y
<b>Soft landscaping</b>	25%	27.5% (123.9m <sup>2</sup> )	Y

### 5.4 Overlooking, Views and Overshadowing

#### 5.4.1 Overlooking and Views

Being a single storey structure, despite being lifted for reasons of flooding, there is no overlooking of the private open spaces of adjoining properties, nor is there any blocking of existing views from those properties.

### 5.4.2 Overshadowing

Shadow diagrams were prepared for 0900, 1200, and 1500 on the 21<sup>st</sup> of March, June, and September, and these are shown in the accompanying drawings. The diagrams show no major loss of available sunlight to either the internal living areas, or the private open spaces of the adjoining properties.

## 5.5 Request for a Variation to Canterbury-Bankstown DCP 2023

**BACKGROUND:** This application must comply with the CBLEP 2023, 5.21 *Flood planning*, and council's flood policy, by setting the habitable floor level at 500mm, minimum, above the 1in100 year flood level. This habitable floor level is approx 700mm higher than it would be were the site not subject to that policy and, because the CBDP has adopted the secondary dwelling provisions of the SEPP (Housing) 2021 it means that the side setback directly increases with the height of the secondary dwelling.

The adoption of the reduced setback offers several benefits without any negative impacts as follows:

- Without raising the floor level, due to the possible flooding impacts, the proposed secondary dwelling would have a height of 5,240 with a complying side setback of 1,260. The lifting of the proposed roof ridges – being an extension of the existing pitched roof planes rising from, and parallel to, the side boundaries and, being well away from the side boundaries (approx 3.5m and 6.3m) – mean the resulting impacts are negligible in terms of available solar access to the adjoining properties.
- Increasing the setback from 1,260 to 1,440 does not provide any additional value to the level of amenity for either the future occupants or the adjoining owners. To the west is the rear of an existing secondary dwelling with a 900 setback to the common boundary and with a garage window, a bedroom window, and a bathroom window facing the subject site. To the east is a brick garage with a 500 setback and with no windows facing the subject site. Neither adjoining property would benefit from the increased setback.
- The increase of 0.2m to the side setback, over what is proposed, has an unreasonable impact on the planning of the dwelling by making a longer, 0.4m narrower, building which will extend further into, and hence reduce, the private open space. The longer, wider, side setbacks would not add any functionality or amenity to the subject, or adjoining development. The existing dwellings facing the much wider Third St have an average side setback of ~1.3m and greater scale and bulk than the secondary dwelling facing the narrower drainage reserve. This does not make sense and serves to illustrate how the artificial setback would act against the visual values of the drainage reserve.

This request is for the side setback to be based on the non-flooded height because the increase in height is to provide for a mandatory flood impact and is not a subjective design preference by the applicant. The proposed side setback reduction is reasonable under the circumstances of the case and will not result in any negative impacts on the immediate or wider environment.

## **6.0 Conclusion**

This development complies with the objectives and controls of the planning instruments governing the site. The proposal does not negatively impact the adjoining properties and their occupants, the streetscape or the broader area, and does not contain any quality that is inconsistent with or detracts from the values of the locality whilst making a positive contribution to the stock of affordable housing within the area.